

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION

GAMALIER RIVERA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 23 CV 01743
)	
REYNALDO GUEVARA, GERI LYNN)	
YANOW, as special representative of the)	
ESTATE OF ERNEST HALVORSEN,)	
ANTHONY RICCIO, ROBERT BIEBEL,)	
and the CITY OF CHICAGO,)	
)	
Defendant.)	

JOINT STATUS REPORT

NOW COME THE PARTIES, by and through their undersigned counsel, and for their Joint Status Report, states as follows:

1. On December 6, 2023, Plaintiff filed motions in four separate cases seeking to establish priority in questioning witnesses. *See Rivera v. Guevara, et al.*, 23 CV 1743, Dckt. No. 66, *Martinez v. Guevara, et al.*, 23 CV 1741, Dckt. No. 109, *Hernandez v. Guevara, et al.*, 23 CV 1737, Dckt. No. 83, *Flores v. Guevara, et al.*, 23 CV 1736, Dckt. No. 56.
2. On December 8, 2023, this Court entered an Order acknowledging the similar motions filed across these cases and stating that “[t]he parties may file the same briefs in this case that they filed in other cases” and that “this Court will likely follow the lead of the other judges considering the matter and follow their ruling.” *See* Dckt. No. 67.
3. On December 18, 2023, Defendants filed a consolidated Response in all four of these cases which included discussion of the witnesses pertinent to the above case. *See* Dckt. No. 71.

4. There was a hearing on this Motion in *Hernandez* on December 21, 2023. *See Hernandez*, Dckt. No. 94.
5. To date, there have been rulings by two other judges allocating witness priority on disputed witnesses in the cases in which these motions were brought (one in *Flores* and the other in *Hernandez*). *Flores*, Dckt. No. 64 (January 2, 2024), *Hernandez*, Dckt. No. 98 (January 5, 2024). Both of these rulings were case specific, and there is no overlap with the witnesses at issue in this case.
6. In *Martinez*, Magistrate Judge Finnegan entered an Order declining Plaintiff's request that the Court "apply the same reasoning in *Flores* to Plaintiff's pending Motion to Compel" but permitting the parties to argue the applicability of the reasoning in *Flores* at a hearing on January 10, 2024. *See Martinez*, Dckt. No. 121.
7. A hearing was thereafter held by Judge Finnegan on January 10, 2024 and the parties further argued their positions on the witnesses at issue in *Martinez*. *Martinez*, Dckt. No. 122. Magistrate Judge Finnegan also requested that Plaintiff provide a copy of the *Martinez* Plaintiff's state court post-conviction petition and other materials pertinent to one of the disputed witnesses at issue in *Martinez*. *Id.* Plaintiff thereafter provided certain materials to Magistrate Judge Finnegan. *See Martinez*, Dckt. No. 123.
8. To date, Magistrate Judge Finnegan has not yet ruled on deposition priority in the *Martinez* case.
9. On January 8, 2024, this Court ordered the parties to file a joint status report by 1/17/24 and identify whether any ruling is needed from this Court on specific witnesses identified in Plaintiff's motion to compel given the rulings by other judges in this matter and overlap. *See Dckt. No. 78.*

10. A ruling is still needed from this Court on all three of the witnesses identified in Plaintiff's pending motion and Defendants' Response thereto.

Dated: January 17, 2024

Respectfully submitted,

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